

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASEY CUNNINGHAM et al.,

Plaintiffs,

v.

CORNELL UNIVERSITY et al.,

Defendants.

Civil Action No. 1:16-cv-6525-PKC

Hon. P. Kevin Castel

DECLARATION OF SAMUEL P. MYLER

I, Samuel P. Myler, submit this declaration in support of the motion for summary judgment filed by defendants Cornell University, the Retirement Plan Oversight Committee, and Mary G. Opperman (“the Cornell Defendants”). I have personal knowledge of the facts set forth herein, except where otherwise noted, and would testify to such facts if called as a witness.

1. Attached hereto as **Exhibit 113** is the November 19, 2012 RPOC Meeting Presentation prepared by defendant CAPTRUST and produced in response to Plaintiffs’ discovery requests.

2. Attached hereto as **Exhibit 114** are three emails regarding subcommittee meetings that occurred between November 2012 and July 2013: a February 5, 2013 Email Between Zielinski and CAPTRUST regarding the ERISA Budget Account Subcommittee, a January 11, 2013 Email Between CAPTRUST and Bursic regarding the Faculty Advisory Subcommittee, and a February 22, 2013 Asset Liability Subcommittee Meeting Invite.

3. Attached hereto as **Exhibit 115** is a 2016 Business Planning Presentation prepared by TIAA and produced in response to Plaintiffs’ discovery requests.

4. Attached hereto as **Exhibit 116** is a 2010 Fidelity Retirement Plan Investment Review produced in response to Plaintiffs' discovery requests.

5. Attached hereto as **Exhibit 117** is a 2017 letter from TIAA to plan participants regarding changes to money market fund investments.

6. Attached hereto as **Exhibit 118** is a presentation entitled TIAA Plan Efficiency Scorecard prepared for Cornell and produced in this litigation in response to Plaintiffs' discovery requests.

7. Attached hereto as **Exhibit 119** are excerpts from the cross-examination testimony of Cammack Representative, Jan Resler, at the trial in *Sacerdote v. NYU*.

8. Attached hereto as **Exhibit 120** are excerpts from the deposition of Paul Bursic in this litigation.

9. Attached hereto as **Exhibit 121** are excerpts from the deposition of Mary Opperman in this litigation.

10. Attached hereto as **Exhibit 122** are excerpts from the deposition of Ty Minnich in this litigation.

11. Attached hereto as **Exhibit 123** are excerpts from the deposition of TIAA representative Paul Weber in this litigation.

12. Attached hereto as **Exhibit 124** are excerpts from the deposition of Conrad Cicotello in this litigation.

13. Attached hereto as **Exhibit 125** are excerpts from the deposition of Glenn Poehler in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 25, 2019

/s/ Samuel P. Myler

Samuel P. Myler